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Attorneys for Defendant and
Cross-Complainant GERALD ARMSTRONG

ORIGINAL FILED
NOV 5 - 1986
COUNTY CLERK

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California Corporation,)	CASE NO.: C 420 153
)	[Severed Action]
Plaintiff,)	
vs.)	SEPARATE STATEMENT OF CROSS-COMPLAINANT GERALD ARMSTRONG IN RESPONSE TO STATEMENT OF UNDISPUTED MATERIAL FACTS OF CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA
GERALD ARMSTRONG, et al.,)	
)	DATE: 11/19/86
Defendants.)	TIME: 9:00 a.m.
)	DEPT: "57"
AND RELATED CROSS-ACTIONS.)	

COMES NOW cross-complainant Gerald Armstrong and responds to the Statement of Undisputed Material Facts of cross-defendant Church of Scientology of California, as follows:

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COPY

1 No. 1.

2 Gerald Armstrong failed to exercise reasonable
3 diligence to discover the facts constituting his claim of
4 fraud.

5 RESPONSE

6 Cross-complainant disagrees that said facts are
7 undisputed.

8 No. 2.

9 In 1969, Gerald Armstrong read all or portions of
10 at least the following books describing Dianetics and
11 Scientology: DIANETICS, THE MODERN SCIENCE OF MENTAL HEALTH;
12 SCIENCE OF SURVIVAL; PROBLEMS OF WORK; NEW SLANT ON LIFE;
13 INTRODUCTION TO SCIENTOLOGY ETHICS; 8-8008; 8-80; CREATION
14 OF HUMAN ABILITY; and the PHOENIX LECTURES.

15 RESPONSE

16 Cross-complainant agrees that said facts are
17 undisputed, however, they are irrelevant to the subject
18 motion.

19 No. 3.

20 In 1970, Gerald Armstrong further studied all of
21 the materials listed in No. 1 (sic) above in addition to at
22 least the following publications: HISTORY OF MAN; HUBBARD'S
23 STANDARD DIANETICS COURSE; the STUDY TAPES; and the HUBBARD
24 QUALIFIED SCIENTOLOGIST COURSE.

25 RESPONSE

26 Cross-complainant disagrees that said facts are
27 undisputed.

28 ///

1 No. 4.

2 Between 1971 and 1975, while Gerald Armstrong was a
3 member of the Sea Organization, he read all or portions of
4 at least the following Scientology publications: DIANETICS
5 TODAY; THE SCIENTOLOGY DICTIONARY; VOLUME 0; SCIENTOLOGY
6 PICTURE BOOK; and SCIENTOLOGY, A NEW RELIGION EMERGES IN THE
7 SPACE AGE.

8 RESPONSE

9 Cross-complainant agrees that said facts are
10 undisputed, however, they are irrelevant to the subject
11 motion.

12 No. 5.

13 Gerald Armstrong was assigned to the Rehabilitation
14 Project Force from July 1, 1976 to December 1, 1977.

15 RESPONSE

16 Cross-complainant agrees that said fact is
17 undisputed.

18 No. 6.

19 By December 1, 1977, when Gerald Armstrong
20 graduated from the Rehabilitation Project Force in
21 Clearwater, Florida, he had read all or portions of at least
22 the following Scientology publications in addition to
23 studying further those listed above in Nos. 1, 2, and 5:
24 WHAT IS SCIENTOLOGY; VOLUNTEER MINISTER'S HANDBOOK;
25 DIANETICS, THE ORIGINAL THESIS; E METER; HOW TO OPERATE THE
26 E METER; E METER ESSENTIALS; PHILADELPHIA DOCTORATE COURSE
27 TAPES.

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RESPONSE

Cross-complainant disagrees that said facts are undisputed. In addition, they are irrelevant to the subject motion.

No. 7.

Gerald Armstrong has testified that, between late 1975 and December 1, 1977, he learned that information provided by parishioners during the auditing process was not held confidential, but was instead obtained and disseminated between members of the Guardian's Office.

RESPONSE

Cross-complainant disagrees that said facts are undisputed.

No. 8.

Gerald Armstrong has testified that, in 1976, he decided not to receive any more auditing as a result of his belief that auditing information was not kept strictly confidential.

RESPONSE

Cross-complainant agrees that said fact is undisputed.

No. 9.

Gerald has testified that, while assigned to the RPF in Clearwater, he participated in going through the auditing files of other RPF members for the purpose of "culling" from these files all "crimes and incidents for which [the RPF members] could be blackmailed".

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RESPONSE

Cross-complainant agrees that said facts are undisputed.

No. 10.

Gerald Armstrong has testified that, while assigned to the RPF in Clearwater, he believed that his own auditing files were being reviewed by members of the Guardian's Office.

RESPONSE

Cross-complainant agrees that said facts are undisputed.

No. 11.

Gerald Armstrong has testified that he did not feel that auditing had solved the problem essential to him after having received 40 hours of auditing in April, 1970.

RESPONSE

Cross-complainant agrees that said facts are undisputed.

No. 12.

Gerald Armstrong did not feel he had obtained the desired result, and complained, in April, 1970, after receiving 40 hours of auditing.

RESPONSE

Cross-complainant agrees that said facts are undisputed, with the exception that the proof cited by cross-defendant does not indicate that the complaint occurred in April, 1970.

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No. 13.

Gerald Armstrong had doubts about Scientology upon completion of the Hubbard Qualified Scientologist Course in November, 1969.

RESPONSE

Cross-complainant disagrees that said facts are undisputed.

No. 14.

Gerald Armstrong believed, by the period between 1971 and 1975, that religion was a cover and that faith and belief had no part in Scientology.

RESPONSE

Cross-complainant disagrees that said facts are undisputed in that the dates are not supported by the proof.

ADDITIONAL MATERIAL FACTS WHICH
CROSS-COMPLAINANT CONTENDS ARE DISPUTED

No. 1.

While Gerald Armstrong was a member of Scientology, he was humiliated, degraded and terrorized by representatives of cross-defendant to the extent that he lost self-respect and rationality.

PROOF

Answer to Interrogatory No. 16, p. 23, lns. 4-8;
Declaration of Gerald Armstrong filed in support of opposition, pp. 9-12, pars. 8-9.

///

1 No. 2.

2 During the time Gerald Armstrong was in the RPF in
3 Clearwater, he was forced to show his auditing folders to
4 various people which humiliated, degraded and broke his
5 will.

6 PROOF

7 Answer to Interrogatory No. 16, pp. 24-25,
8 lns. 25-28 and lns. 1-4.

9 No. 3.

10 While Gerald Armstrong was in the RPF, he was
11 treated like a criminal, was denied access to the outside
12 world, was forced to perform heavy labor for long hours and
13 was given substandard food and lodging.

14 PROOF

15 Answer to Interrogatory No. 16, p. 23, lns. 8-20,
16 25-27; p. 25, lns. 22-24; p. 26, lns. 4-9, 16-20.

17 No. 4.

18 In 1976, Gerald Armstrong was locked up and kept
19 under guard by the Guardian's Office Intelligence Bureau for
20 three weeks and was forced to write up lists of "crimes" or
21 imagined "crimes."

22 PROOF

23 Answer to Interrogatory No. 16, p. 22, lns. 4-10.

24 No. 5.

25 On March 18, 1977, Gerald Armstrong was forced to
26 sign a Non-Disclosure and Release Bond.

27 PROOF

28 Non-Disclosure and Release Bond, attached as

1 Exhibit "M."

2 No. 6.

3 While Gerald Armstrong was in the RPF, he was
4 forced to sign several of these "bonds." He understood that
5 he would be obligated to pay \$10,000.00 if he disclosed any
6 information, data or knowledge about Scientology.

7 PROOF

8 Trial testimony in the underlying case of May 10,
9 1984, pp. 1465-66.

10 No. 7.

11 During the time Gerald Armstrong was a member of
12 Scientology, cross-defendant adhered to Policy Letter of 23
13 December 1965 entitled "Suppressive Acts; Suppression of
14 Scientology and Sicientologists; The Fair Game Law."

15 PROOF

16 Exhibit "O."

17 No. 8.

18 During the time Gerald Armstrong was a member of
19 Scientology, cross-defendant utilized staff contracts
20 containing language by which the staff member agreed to
21 forbear from litigation.

22 PROOF

23 Exhibit "P."

24 No. 9.

25 Cross-defendant has allowed its attorneys to
26 review, copy and index Gerald Armstrong's auditing files.

27 PROOF

28 Declaration of Gerald Armstrong filed in support of

1 opposition, pp. 1-2, pp. 3-4.

2 No. 10.

3 Cross-defendant has revealed alleged portions of
4 Gerald Armstrong's auditing folders in a filing with this
5 court.

6 PROOF

7 Declaration of Gerald Armstrong filed in support of
8 opposition, pp. 5-7, par. 6.

9 No. 11.

10 The B-1 file kept by the Guardian's Office of
11 cross-defendant contains information that Gerald Armstrong's
12 auditing folders were culled after he left Scientology in
13 December 1981.

14 PROOF

15 Declaration of Gerald Armstrong filed in support of
16 opposition, pp. 7-9, par. 7.

17 No. 12.

18 Gerald Armstrong had no knowledge of the existence
19 of B-1 files kept on individuals while he was a member of
20 Scientology.

21 PROOF

22 Answer to Interrogatory No. 16, p. 29, lns. 17-20.

23 No. 13.

24 Gerald Armstrong had no knowledge of the existence
25 of GO121669 before December 1981.

26 PROOF

27 Answer to Interrogatory No. 16, p. 9, lns. 14-19.

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No. 14.

During the time Gerald Armstrong was a member of Scientology, it was represented to him that if his problems were not handled by the time he reached the state of "clear," his problems would be handled by "clear." When his problems were not handled at the level of "clear," he was told that it would occur at the level of "OTIII."

PROOF

Declaration of Gerald Armstrong filed in support of opposition, p. 14, lns. 5-16.

No. 15.

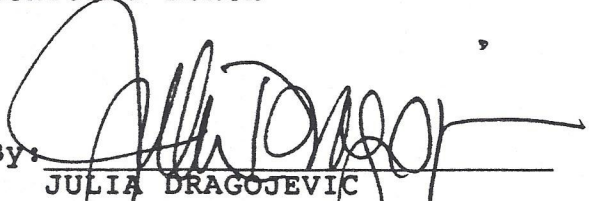
Although Gerald Armstrong advised his auditor in 1976 that he decided not to continue auditing, he was assured by her that auditing reports are kept strictly confidential.

PROOF

Answer to Interrogatory No. 16, p. 21, lns. 21-28.

DATED: November 5, 1986

CONTOS & BUNCH

By: 

JULIA DRAGOJEVIC
Attorneys for Defendant
and Cross-Complainant
GERALD ARMSTRONG

3:29:3

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing

and know its contents.

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner a of

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on 19 at California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT

(other than summons and complaint)

Received copy of document described as

on 19

Type or Print Name

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of LOS ANGELES, State of California.

I am over the age of 18 and not a party to the within action; my business address is: 5855 Topanga Canyon Blvd., Ste. 400, Woodland Hills CA 91367

On November 5 19 86, I served the foregoing document described as SEPARATE STATEMENT OF CROSS-COMPLAINANT, GERALD ARMSTRONG, IN RESPONSE TO STATEMENT OF UNDISPUTED MATERIAL FACTS OF CROSS-DEFENDANT, CHURCH OF SCIENTOLOGY OF CALIFORNIA on the parties

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

John G. Peterson, Esq. Donald C. Randolph, Esq. Robert Geller, Esq.
PETERSON & BRYNAN OVERLAND, BERKE, WESLEY, GELLER & WEINBERG
8530 Wilshire Blvd. #407 GITS, RANDOLPH & LEVANAS 80 Boylston Street
Beverly Hills CA 90211 2566 Overland Ave., 7th Fl. Boston, Massachusetts 02116
Los Angeles CA 90064

(BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Woodland Hills, California.

Executed on November 5 19 86 at Woodland Hills, California.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on 19 at California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

PAMELA J. RUCKER

Type or Print Name

Signature